IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

WRIT PETITION NO. 4114 OF 2006.

Devidayal Industries Ltd. ... Petitioner.
V/s.
Union of India & ors. ... Respondents.

Mr. Jitu Motwani i/b PDS Legal for the petitioner.

Mr. S.S. Pakale with Y.R. Mishran for the respondents.

CORAM : V.C.DAGA & J.P.DEVADHAR,JJ.

DATED : 22.6 .2006.

P.C. :

. Rule returnable forthwith. Mr.Pakale waives service on behalf of the respondents. By consent petition is taken up for final hearing.

2. This petition is directed against the order of the Tribunal dated 17.2.2006, refusing to restore appeal which was dismissed for want of prosecution on 26.7.2005.

3. Having heard rival parties, looking to the consensus between the parties, the impugned order is set aside, subject to payment of costs quantified in the sum of Rs. 3,000/- (three thousand) to be paid to Legal Services Authority of this Court within one week from today. Payment of costs shall be condition precedent. Appeal is restored to file. Tribunal is directed to hear the appeal and decide

the same as expeditiously as possible at any rate within a period of six months from the date of receipt of copy of this order.

.4 Petition stands disposed of.Rule is made absolute in terms of this order with no order as to costs.

(V.C.DAGA,J.)

(J.P.DEVADHAR,J.)